IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA)	
)	
)	Case No. 1:07CR00037
)	
V.)	ORDER
)	
LONNIE EDWARD MALONE,)	By: James P. Jones
)	United States District Judge
Defendant.)	

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Dismiss (ECF Nos. 217 & 222) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 as amended (ECF Nos. 212 & 220) is DENIED; and the § 2255 proceeding is stricken from the active docket of the court.

Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: May 24, 2013

/s/ James P. Jones
United States District Judge